

**RECEIVED
CENTRAL FAX CENTER**

OCT 19 2006

J L Simunic, Esq
P.O. Box 443
LaGrange, KY 40031-0443

confidential
fax

To: USPTO
Fax Number: 1 571 273-8300

From: Joan Simunic
Fax Number: 502-222-5413
Business Phone: 502-220-1184
Home Phone:

Pages: 3
Date/Time: 10/19/2006 10:45:37 AM
Subject: Postponement Request

Dear Mr. Williams,

Please see the following request for postponement of a hearing scheduled for November 14, 2006.

Regards,

Joan Simunic

RECEIVED
CENTRAL FAX CENTER

OCT 19 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appeal No : 2006-2735
Appellant : Jon P. Wagner, et al.
Hearing Date / Time : November 14, 2006, 1:00 PM
Hearing Room / Docket : A / A

Application Number : 10/758,552
Confirmation No. : 5985
Filing Date : 01/15/2004
TC/A.U. : 1725
Examiner : Christina Ann Johnson

Attorney Docket No. : 20031231-001
Title : Catalyst for Production of Hydrogen

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

REQUEST FOR POSTPONEMENT

Sir:

In response to the Notice of Hearing dated October 4, 2006 for the above-referenced case, Applicant respectfully requests a postponement of this hearing, or in the alternative, Applicant requests that the hearing be conducted via telephone.

The reason for the requested postponement is a schedule conflict. Several months ago I agreed to assist with a charitable event for the benefit of Kosair Children's Hospital in Louisville, KY. The date for the event was set nearly a year ago, and I confirmed my willingness to participate in mid-August, 2006. Because my project involves other people, including several children, it could be difficult at this point for me to locate a substitute and bring that person sufficiently up to speed to handle my responsibilities at this event.

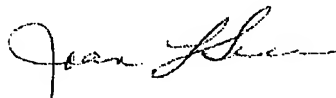
Further, I am a solo practitioner and so I do not have anyone else in my office familiar with the case. Dr. David Shobe (named as an agent on this matter) is a patent agent employed by Applicant. Although he is a member of the patent bar, he is a relatively new inductee who has expressed that he would not feel comfortable presenting a case at this level having never even filed a response to an office action yet. Thus, to keep the hearing date in Washington, D.C.

Appl. No. 10/758,552
Request for Postponement

would require that another attorney or agent be engaged to attend the hearing. This would create additional expenses for my client, and, given the history of this case, would require significant preparation time for the new attorney.

If the option is available, I would be willing to present this case via a telephonic hearing, although there are some aspects that would be better presented with demonstratives. Any date, including November 14, 2006, would be acceptable for a telephonic hearing. Alternatively, I can be available in Washington, D.C. during the week of December 18, 2006 or at any time in 2007.

Respectfully submitted,



Joan L. Simunic
Reg. 43,125
Tel: (502) 220-1184
e-mail: jlsimunic@bellsouth.net